

STATE OF COLORADO

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Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

RETAIL FOOD ESTABLISHMENT INTERPRETATION #04-05 (Regulation)

DATE: June 4, 2004

SUBJECT: Dealing with Potentially Hazardous Foods Found at Improper Temperatures

Several questions have arisen regarding when an inspector should dispose of potentially hazardous food and how to make that assessment. Potentially hazardous foods that have been adequately cooked to the required temperatures or rapidly reheated to 165° F should be relatively free of pathogenic vegetative organisms. Depending on the food product, spores of *Clostridium perfringens* or *Bacillus cereus* may remain. Preventing these spores from becoming vegetative cells is paramount in assuring the safety of the food.

Foods that will be hot held, cooled, then reheated for service or hot holding at a later date must be maintained at the appropriate temperatures to prevent the outgrowth of vegetative cells. Unless the required criteria for utilizing time as a public health control is in place, under no circumstances shall food be allowed to be above 41°F or below 135°F for greater than four (4) hours. Food that has dropped in temperature to below 135° F, that has not been held for four (4) hours or more, should immediately be removed from service and be rapidly reheated to 165° F. Again, the total time the food has been below 135° and the time to reheat the food should not exceed four (4) hours. Foods intended to be served cold, which have had a temperature rise above 41° F, should immediately be returned to refrigeration or cooled by other appropriate methods to prevent growth of undesirable organisms. The critical time factor not to exceed four (4) hours should be carefully observed.

Foods that are found to be off temperature and to have been so for four (4) hours or more shall be voluntarily condemned. Documentation of the quantity, product description, rationale for condemnation and estimated value should all be included on the voluntary condemnation form. A voluntary condemnation form should be completed for any food that is disposed of, regardless of quantity, rationale, and/or value. In cases where a request for voluntary condemnation is not successful, it is then necessary to embargo the food.

In many circumstances, food is found at improper temperature and the amount of time is not immediately known. Simply relying on the information provided by the operator may or may not be adequate. Determining the amount of time a food has been off temperature must be done through an evaluation of the circumstances, including questioning the retail food operator and the inspector's general public health knowledge and their understanding of food science.

Barbara A. Hruska, Director
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